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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,337	03/18/2004	Xiaoyu Li	DP-310459	5568
22851	7590	01/24/2007	EXAMINER	
DELPHI TECHNOLOGIES, INC.			BOES, TERENCE	
M/C 480-410-202			ART UNIT	PAPER NUMBER
PO BOX 5052			3682	
TROY, MI 48007				
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/24/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/803,337	LI ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
Terence Boes	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 02 January 2007.

2a)  This action is **FINAL**.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 3-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 18-22 is/are allowed.

6)  Claim(s) 3-5 and 8-13 is/are rejected.

7)  Claim(s) 6,7 and 14-17 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 18 March 2004 is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_ .  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

### Request for Continued Examination

1. The request filed on 01/02/2007 for a Continued Examination (RCE) is accepted and a continued prosecution application has been established. An action on the RCE follows.

#### *Claim Objections*

Claim 8 is objected to because of the following informalities:

- The term --a-- appears to have been inadvertently omitted prior to the recitation "first engaging element".

Appropriate correction is required.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 3-5, 8-13, 15 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Li et al. US 2005/0199087.

The applied reference has a common inventor with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Li discloses:

Re clms 3, 4, 5, 10, 11, 12, and 13

- Lower steering column jacket (12)
- Upper steering column jacket (14)
- Tilt housing (16)
- Single locking device (24)
- Wherein said single locking device includes a linking member (20) extending parallel to said upper steering column jacket and connected to said tilt housing

- Said single locking device having a guide (44) connected rigidly to and supported continuously by said lower steering column jacket (guide is connected to lower steering column jacket via 20 and 18)
- Said locking device having a first aperture (20 extends through aperture in 18) in said guide and extending longitudinally with respect to said jackets and wherein said linking member is supported by said guide
- First end (right side of (20) shown connected to (22)) pivotally associated with tilt housing (see fig 4, (20) is connected to tilt housing via (22))
- Second end (see fig. 4, left side of 20 is shown connected to lower steering column jacket via (18) and is capable of being released) engaged releasably to said guide
- Said single locking device includes a wedge member (see fig 1 below, (A)) disposed between said upper steering column jacket and said linking member and being moveable between a locked position and unlocked position wherein said linking member is fitted loosely between said upper steering column jacket and said linking member (wedge member can be tightened and locked or loosened and unlocked, wedge member is rotatably associated with upper steering column jacket in that it is rotatable relative to lower steering column jacket)
- Wherein said linking member is unitary and one piece.

Re clm 8,

- Single locking device includes first engaging element (see fig 1 below, (B)) fixedly associated with said upper steering column jacket and adjacent to said wedging element.

Re clm 9,

- Single locking device includes second engaging element (34) movably associated with said guide and adjacent to linking member (see fig 4, because 34 moves relative to guide 18 it is movably associated with said guide, as broadly recited).

Re clm 11,

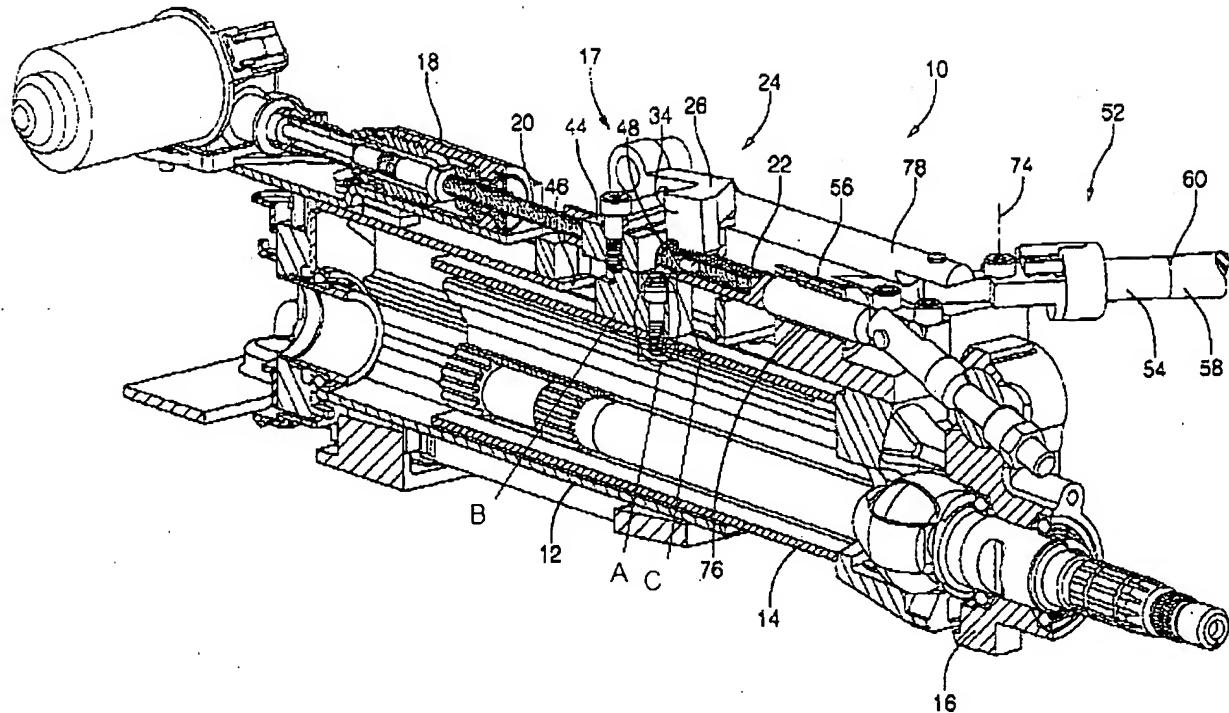
- First end adjustably connected to tilt housing (right side of (20) shown connected to (22), link member is movable and therefore adjustable).

Re clm 12,

- Single locking device includes a wedge member (A) adjacent to second end of linking member

Re clm 13,

- Wherein said lower steering column jacket includes a guide (18) having a first aperture (see fig 4, right side of 18 shows an aperture which (20) passes through) and a second aperture (see fig 4, left side of 18 shows an aperture which (20) passes through)



## Figure 1 – Figure 4 of US 2005/0199087

### **Allowable Subject Matter**

3. Claims 18-22 are allowed.
4. Claims 6, 7, and 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terence Boes whose telephone number is (571) 272-4898. The examiner can normally be reached on Monday - Friday 9:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TB  
1/17/06



RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER